

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office. SEP 2 1994

Returned to applicant for correction.....

Corrected application filed..... Map filed.....

The applicant FALLON PAIUTE-SHOSHONE TRIBE  
8955 Mission Road of Fallon  
Street and No. or P.O. Box No. City or Town  
NEVADA 89406 hereby make application for permission to change the  
State and Zip Code No.  
place of use of a portion  
Point of diversion, manner of use, and/or place of use  
of water heretofore appropriated under Final Decree in Unites States of America vs. Orr Ditch  
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and  
Water Co., in equity No. A.13, Claim No. 3 T.C.I.D. Serial No. 712; Final Decree  
identify right in Decree.  
in Unites States of America vs. Alpine Land & Reservoir Co., Et Al., Civil No.  
D-183 BRT.

1. The source of water is Truckee River and Carson River  
Name of stream, lake, underground spring or other source.

2. The amount of water to be changed 500 acre-feet  
Second feet, acre feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for As Decreed  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for As Decreed  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

5. The water is to be diverted at the following point Lahontan Dam being with SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 33,  
Describe as being within a 40-acre subdivision of public survey and by course and  
Township 19 North, Range 26 East, M.D.B.&M.  
distance to a section corner. If on unsurveyed land, it should be stated.

6. The existing permitted point of diversion is located within No Change  
If point of diversion is not changed, do not answer.

7. Proposed place of use S $\frac{1}{4}$  Sec. 33; S $\frac{1}{4}$  Sec. 34; W $\frac{1}{4}$  SE $\frac{1}{4}$  & SW $\frac{1}{4}$  Sec. 35, All in T.20N.,  
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

R.30E., M.D.B.&M.; NW $\frac{1}{4}$  Sec. 2; N $\frac{1}{4}$  & SW $\frac{1}{4}$  Sec. 3; All of Sec. 4; N $\frac{1}{4}$  & SW $\frac{1}{4}$  Sec.8; all  
in T. 19N., R.30E., M.D.B.&M., on the Fallon Reservation, Churchill County, known  
as Fallon II Area.

8. Existing place of use A non-specific portion of: SE $\frac{1}{4}$  Sec. 8; S $\frac{1}{4}$  Sec. 9; S $\frac{1}{4}$  Sec. 10; Sections  
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or

15, 16, 17, 20, 21, and 22; (Certificate No. 01196, Nov.11, 1908); SE $\frac{1}{4}$  Sec. 3;  
manner of use of irrigation permit, describe acreage to be removed from irrigation.

N $\frac{1}{4}$  Sec. 9; N $\frac{1}{4}$  Sec. 10; (Application No. 908; July 1, 1926); All in T.19N., R.30E.,  
M.D.B.&M.; an area containing 5,440.3 Acres, more or less.

9. Use will be from As Decreed to                      of each year.  
Month and Day Month and Day

10. Use was permitted from As Decreed to                      of each year.  
Month and Day Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and

specifications of your diversion or storage works.) Ditches Already Constructed  
State manner in which water is to be diverted, i.e. diversion structure,

ditches, pipes and flumes, or drilled well, etc.

12. Estimated cost of works \$10,000.00

13. Estimated time required to construct works Already Constructed

14. Estimated time required to complete the application of water to beneficial use.....is one year (1) year

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

The water will be used on land added to the Reservation by P.L. 95-337, 92-Stat.

455, August 4, 1978. NOTE: Certificate No. 01196 and Application No. 908

attached).

s/Francis E. DuBois

By Francis E. DuBois, 8955 Mission Road  
Fallon, NV 89406

Compared jr/vjw

jr/vjw

Protested

### APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the place of use of the waters of the Truckee and Carson Rivers as set forth under the Newlands Reclamation Project rights in the Truckee and Carson River final decrees is issued subject to the terms and conditions imposed in said decrees and with the understanding that no other rights on the source will be affected by the change proposed herein.

The duty under this permit is further conditioned upon possible modification by the United States District Court of Nevada in pending litigation.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on November 15, 1994 at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 2.65 cubic feet per second, but not to exceed 399 acre-feet as decreed.

Work must be prosecuted with reasonable diligence and be completed on or before

Proof of completion of work shall be filed before

Application of water to beneficial use shall be made on or before

Proof of the application of water to beneficial use shall be filed on or before

Map in support of proof of beneficial use shall be filed on or before

Completion of work filed

Proof of beneficial use

Cultural map filed

Certificate No. Issued

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.  
State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 21st day of September

A.D. 1994

*R. Michael Turnipseed*  
State Engineer

EXPIRED

DATE NOV 14 1994